IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1116 OF 2006

Aurora Towers Premises Coop.
Society Ltd. Pune .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondent

Mr.S.G.Aney, Senior Advocate with Mr.S.V.Pitre
for petitioner

CORAM : S.C.DHARMADHIKARI, J.
DATE : 24th February 2006.

P.C.

. Petitioners are a cooperative housing society consisting of commercial as well as

residential units at Pune. The authorities under the Bombay Stamp Act have in adjudication proceedings directed the cooperative housing society to pay to the State the stamp duty amounting to Rs.1,27,43,950/-. It is the submission of Mr.Aney, learned Senior Counsel for petitioners that stamp duty amounting to Rs.98,61,031/- has been paid but there are seven members from whom despite finality to adjudication proceedings a sum of Rs.28 lakhs could not be recovered and paid over.

2. Mr.Aney invites my attention to two representations which are made on 15th and 19th December 2005, annexed to the petition as Annexures X and Y, which have not been disposed of by the authorities. He submits that the authorities may be directed to dispose them of in accordance with law within such time as this Court deems fit and proper. Further, upon instructions he makes a statement that the

petitioners undertake to pay a sum of Rs.28 lakhs approximately which is outstanding to the State Government, subject to their rights to recover the same from defaulting members.

3. In my view, in the light of the undertaking given by petitioner society, the appropriate course of action would be to direct the State Government to dispose of these representations within a period of six weeks from today. Needless to state that whatever may be the outcome of representations and even if the decision is adverse to the petitioner society that would not prejudice society from recovering the amount from the concerned members, if othewise, permissible in law. All contentions in that behalf are expressly kept open. Petitioner society agrees to appear before the Chief Controlling Revenue Authority and Inspector General of Stamps, Government of Maharashtra on 7th March 2006 and the representations would be

disposed of within a time stipulated above. Needless to state that for a period of six weeks from today, coercive measures may not be taken to recover the amount. Petition disposed off.

4. In all fairness Mr.Aney invites my attention to the order of Division Bench of this Court dismissing the writ petition preferred by the petitioner society.

(S.C.DHARMADHIKARI, J)